

SPACE FLORIDA

(An independent special District, a body politic and corporate, and a subdivision of the State of Florida)

PERSONNEL POLICY MANUAL

Revised ~~March 1, 2011~~ April 2017

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I. INTRODUCTION TO SPACE FLORIDA

Space Florida (“Space Florida” or the “District”) is an independent special district, a body politic and corporate, and a subdivision of the State of Florida, which was created pursuant to the Space Florida Act, Sections 331.301 – 331.369, Florida Statutes, as amended. The purpose of Space Florida is to foster the growth and development of a sustainable and world-leading aerospace industry in the State of Florida. Space Florida accomplishes its purpose by promoting aerospace business development, facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.

~~Space Florida is governed by a Board of Directors consisting of 12 voting members appointed by the Governor, 5 statutorily designated voting members, and 2 ex officio, nonvoting members. One of the ex officio members is appointed by the President of the Senate and must be a member of the Senate, and the other ex officio member is appointed by the Speaker of the House of Representatives and must be a member of the House of Representatives.~~ Space Florida shall be governed by a 13-member independent board of directors that consists of the members appointed to the board of directors of Enterprise Florida, Inc., by the Governor, the President of the Senate, and the Speaker of the House of Representatives pursuant to s. 288.901(5)(a)7- and the Governor, who shall serve ex officio, or who may appoint a designee to serve, as the chair and a voting member of the board.

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The statutorily designated members are:

The Governor or designee

The Secretary of Transportation or designee

The president of Workforce Florida, Inc. or designee

The president of Enterprise Florida, Inc. or designee

The Commissioner of Education or designee

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The Board of Directors accomplishes its oversight of Space Florida through its appointment of a President who implements the policies and directives of the Board of Directors. The President is responsible for the management of the operations of Space Florida, which includes the establishment of an organizational structure, the

hiring and termination of employees, the establishment of salary ranges, and the establishment of other policies relating to human resource management.

II. ABOUT THIS MANUAL

This Personnel Policy Manual (this “Manual”) provides a brief overview of the personnel-related policies of the District. Although this Manual is representative of the District’s philosophy and policies, it is not intended to replace good judgment or the need to acknowledge the circumstances of any particular—_situation. This Manual is not intended to be an exhaustive compilation of the District’s personnel-related policies.

The District’s policies may change from time to time, and the District ~~reserves the right to may~~ modify, rescind, delete or add to the provisions of this Manual, or the policies and procedures, on which this Manual is based, at any time, without ~~advance and notice~~ notice, in its sole and absolute discretion. This Manual supersedes and replaces all previously existing District employee manuals and personnel policy manuals. District employees should read and be thoroughly familiar with these procedures.

Unless otherwise specified or required by law, the benefits described in this Manual apply only to regular full-time employees of the District. By contrast, the policies outlined in this Manual apply to all employees – introductory, regular full-time, regular part-time and temporary. In all cases of interpretation of this Manual, management decisions are final.

All District employees are expected to follow the policies and procedures outlined in this Manual. Any violation of these or any other District policy, practice or procedure will subject an employee to discipline, up to and including separation.

The District recognizes that laws, rules and regulations underpinning this Manual are dynamic and change more often than these materials are updated and revised. In every case, this Manual shall be interpreted and enforced with such applicable laws, rules and regulations as may from time to time apply.

Employees should contact ~~Human Resources~~ ~~WHOM~~ with questions concerning the contents of this Manual.

III. EMPLOYMENT AT WILL

The District follows the practice of “Employment-at-Will.” This Manual is not intended to, and does not, constitute an express or implied contract of employment. Unless otherwise agreed in writing by the District and the employee, employment

Commented [A4]: In the employment context, the phrase, “reserves the right” finds its origins in collective bargaining agreements that memorialize certain specified rights that have been granted by an employer. At best the phrase “reserves the right” is surplusage, and at worst, it suggests that there may be some rights that the Company has granted its employees connected to the policies in which the language appears and in other policies otherwise silent as to any rights that may be reserved. Either way, we suggest that you change the term “reserves the right” to “may,” a clearer and more compelling expression of the Company’s position and intent; we have made these changes throughout the Handbook.

Commented [A5]: By incorporating language regarding violations of policy only sporadically throughout the Manual, the District is creating an implied exclusion argument whereby an employee may have reason to believe that violating only those policies where such language is included may lead to discipline. Or, in other words, if the District had intended to state that violating *any* or all of its policies may lead to discipline, it would have said so. The District’s failure to mention potential discipline associated with a number of its policies becomes grounds for inferring that it was deliberately excluded. In order to eliminate any such potential argument, we suggest that you eliminate all references in the *body* of the Handbook suggesting that discipline may result from violating any single policy and, instead, incorporate this statement into the front matter of the Handbook (which we have done here).

with the District is “at will” and can be terminated at any time with or without cause and with or without notice by either the District or the employee. Any term or conditions of employment, including, without limitation, promotion; demotion; transfer, hiring and discharge decisions; discipline; compensation; benefits; qualifications; and job duties and responsibilities can be changed, modified or deleted at any time in the sole and absolute discretion of the District, with or without notice or cause, and with or without a written revision of this Manual.

~~The District follows the practice of “Employment at Will.” This Manual is not a contract and nothing in this Manual is to be construed to form a contract or a warranty of benefits. The Manual merely describes the District’s general philosophy concerning policies and procedures. Your employment with the District is voluntarily entered into and you are free to resign at any time. Similarly, the District is free to conclude its employment relationship with you at any time, with or without notice, for cause or without cause. Our relationship is and will always be one of voluntary employment at will.~~

Commented [A6]: This appears to state what is already stated above in the first paragraph of the policy; recommend omitting this paragraph (of the first paragraph if you prefer) as both are not necessary. To this end, we merged the two together, but can revise further if you like.

IIIV. ANTI-DISCRIMINATION AND HARASSMENT POLICY

The District is an equal employment opportunity employer and strives to comply with all applicable laws prohibiting discrimination based on race, color, ~~creed,~~ religion, sex, sexual orientation, age, national origin ~~or ancestry,~~ physical or mental disability, genetic information, veteran status, marital status, ~~HIV positive status,~~ as well as or any other category protected by federal, state, or local laws. All such discrimination is unlawful and all persons involved in the operations of the District are prohibited from engaging in this type of conduct. ~~This Policy extends to all terms, conditions and privileges of employment, as well as the use of all District facilities.~~

~~No form of unlawful discrimination, including unlawful harassment, will be tolerated.~~

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~~It is the District’s policy to provide a work environment free of harassment that results in unlawful discrimination. The District will not tolerate any form of harassment based upon an individual’s race, color, religion, sex, national origin, age, disability, genetic information, veteran status or other status protected by applicable law. For these purposes, the term “harassment” includes, but is not limited to, slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual’s race, color, religion, sex, national origin, age, disability, genetic information, veteran status or other status protected by applicable law. The term harassment also includes sexual advances, requests for sexual favors and other conduct of a sexual nature.~~

~~It is the policy of the District to prohibit harassment in employment on the basis of race, color, creed, sex, sexual orientation, age, national origin or ancestry, physical~~

~~or mental disability or any other characteristic protected by state or federal law. Harassment in employment is prohibited, whether such harassment occurs in the workplace or off the premises, including at social activities conducted or sponsored by the District.~~

(a) Sexual Harassment.

Sexual harassment is defined in federal regulations as “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature” when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur between individuals of the opposite sex or the same sex. Sexual harassment may include, without limitation, intentional physical conduct that is sexual in nature (such as touching, pinching or patting); sexually-oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience; repeated unwelcome requests for a romantic relationship; and displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic. Basing an employment decision or implying that such employment decision will be based on an applicant’s or an employee’s submission to or rejection of sexual overtures is prohibited.

Examples of behavior that could be construed as unlawful sexual harassment include, but are not limited to:

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- explicit or implicit threats to withhold pay increases, benefits or working conditions in exchange for sexual favors or sexual activity;
- promises to improve pay, benefits or working conditions in exchange for sexual favors or sexual activity;
- demands for sexual favors or sexual activity;
- subtle pressure for sexual favors or sexual activity; or,
- deliberate, repeated or unsolicited verbal comments, gestures or physical actions of a sexual nature (i.e., lewd or lascivious remarks and unnecessary touching, patting or pinching).

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(b) Harassment Other than Sexual Harassment

Harassment, other than sexual harassment, is verbal or physical conduct that denigrates or shows hostility or aversion to an individual because ~~of race, color, religion, sex, national origin, age, disability, genetic information, veteran status~~ ~~race, color, creed, age, national origin or ancestry, physical or mental disability~~ or any other characteristic protected by local, state or federal law when such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, creating an intimidating, hostile or offensive work environment, or otherwise adversely affecting an individual's employment opportunities.

Harassment may include, with limitation, verbal abuse, ridicule (including slurs, epithets and stereotyping), offensive jokes and comments, threatening, intimidating or hostile acts, and displaying or distributing offensive materials, writings, graffiti or pictures.

Examples of behavior which could be construed as harassment include, but are not limited to, the following:

- degrading any group or class of people;
- assigning less desirable work or working conditions to members of such protected groups based solely on their group membership;
or
- treating protected individuals in a demeaning fashion.

(c) Procedures for Complaints

Any employee that is subjected to, witnesses or has knowledge of discrimination or harassment should immediately bring the matter ~~to the attention of his or her supervisor, any senior manager of the District or the Human Resources Department~~ Office Manager. Detailed reports--including names, descriptions, and actual events or statements made--will greatly enhance the District's ability to investigate. Any documents supporting the allegations should also be submitted. In the event of a complaint involving the Office Manager, the Chief Financial Officer ~~(SECONDARY INDIVIDUAL WITH INVESTIGATIVE POWERS)~~ should be notified and he will fulfill the investigatory role in this process.

The District will immediately undertake a thorough and objective investigation of the allegation(s). Employees are required to cooperate in all District investigations. Complaints will be handled confidentially, to the extent possible. Information about the investigation will be given only to those persons that have a genuine need for the information because of their role in the investigation or to those legally entitled to the information.—Promptly following completion of the investigation, the appropriate management officials will notify all necessary persons of the findings of the investigation and the action, if any, to be taken as result of such findings.

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Commented [A7]: The most effective defense to a claim of unlawful harassment is the "prompt remedial action defense." The best way to ensure the availability of this defense is to create a specific complaint procedure. Importantly, based on the U.S. Supreme Court Decisions in *Faragher* and *Ellerth*, organizations should limit the individuals to whom a complaint may be made to ensure that all complaints are handled appropriately and timely and that the organization has a valid defense if an employee fails to follow the enumerated procedure. In this regard, we have revised the current policy and recommend that two options be provided to employees wishing to make a complaint (as outlined in the newly revised policy). The first is to complain to a designated person. The second is to complain to an alternate person in the event that the first identified is the harasser. We further revised the remainder of the Policy to comply with EEOC guidelines and include examples of prohibited behavior.

Employees have a duty to report any harassment they either experience or observe, regardless of whether the alleged harassment is being perpetrated by a District employee or any other third party. Under no circumstances will a person be retaliated against because of a bona fide report of harassing conduct. Reports of alleged harassment will be treated in accordance with the requirements of Florida Statutes Chapter 119.

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~~The District prohibits retaliation or other adverse action because of the making of a complaint, assisting in an investigation or otherwise exercising rights protected by law.~~

~~If the investigation determines that prohibited discrimination or other conduct which violates the District's policy has occurred, the District will take corrective action, up to and including termination of employment, against those who engaged in the misconduct. The District will also evaluate whether other employment practices should be added or modified in order to deter and prevent that conduct in the future. You will be informed of whatever action(s) the District takes to resolve the situation.~~

IV. AMERICANS WITH DISABILITIES ACT (ADA)

Consistent with its commitment to equal employment, the District will work to accommodate disabled employees in keeping with applicable law. If an employee believes he needs an accommodation because of a disability, he should make a request to Human Resources ~~[WHOM]~~ and the District will engage in an interactive dialogue with the employee to determine the best course of action.

~~The District will not discriminate against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment.~~

Commented [A8]: Under the (ADA and) ADAAA, employers are required to engage in a dialogue with an employee requesting a reasonable accommodation. However, an employer's obligation to provide an accommodation is generally prompted by a request from a covered individual for an accommodation. The ADA does not require employers to speculate about the accommodation needs of employees and applicants. The EEOC indicates that "[g]enerally, it is the responsibility of the employee to inform the employer that an accommodation is needed." *EEOC: The ADA: Your Employment Rights as an Individual With a Disability*; see also 29 C.F.R. § 1630.9.

~~In accordance with applicable federal and state law protecting qualified individuals with known disabilities, the District will attempt to reasonably accommodate those individuals unless doing so would create an undue hardship on the District. Any qualified applicant or employee with a disability who requires an accommodation in order to perform the essential functions of the job should contact their supervisor or the Human Resource Department.~~

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V. IMMIGRATION REQUIREMENTS

The Immigration and Nationality Act, as amended, requires employers to hire only persons who may legally work in the United States. A new employee's identity and employment eligibility are therefore required at the time of employment through the completion of the U.S. Department of Justice, Immigration and Naturalization Service, Employment Eligibility Verification, Form I-9, and presentation of documents that establish identity and employment eligibility.

Commented [A9]: As the Handbook is only distributed to current employees and this pertains to pre-employment matters, it need not be included in the Manual.

~~VI. PRIOR TO EMPLOYMENT~~

~~It is the policy of the District to verify information submitted by applicants regarding their qualifications. Human Resources is authorized to do this by telephone or with a reference letter. Employment reference procedures are as follows:~~

~~A reference check may be made by telephone. In this case, details are documented and retained in the employee's personnel file. Reference letters may be mailed to selected employers listed on an application. All positions require background checks. As part of the new hire packet, applicants must sign an authorization allowing the District to contact previous employers, references, and to conduct background inquiries. Background inquiries may include criminal convictions, consumer credit, education verification, the Department of Motor Vehicles and other reports from various federal, state and other agencies that maintain historical records.~~

~~The District also requires all candidates for employment to submit to pre-employment drug testing.~~

~~Falsification of information on an employee's application may be cause for dismissal.~~

~~It is the policy of the District to cooperate with other businesses requesting information regarding previous employment of an individual. Human Resources is authorized to reply to telephone inquiries by verifying an employee's job title, dates of employment and reason for separation, if appropriate. Compensation is not verified by telephone. Employment verification for home loans, etc. may be obtained upon written request to Human Resources.~~

VII. DRUG-FREE WORKPLACE POLICY

The District has determined that drug use has serious adverse effects upon a significant portion of the workforce, resulting in billions of dollars of lost productivity each year and posing a threat to the workplace and to public safety and security. Maintaining a healthy and productive workforce, safe working conditions free from the effects of drugs, and quality products and services is important to the District. The District has further determined that drug use creates a variety of workplace problems, including increased injury on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Commented [A10]: While we understand that you have always drug tested applicants, please know that Florida law mandates that pre-employment drug testing for public sector employers be limited to only those applicants in "mandatory-testing" or "special-risk" positions. See Florida Statutes § 440.102(1)(j).

Florida Statutes § 440.102(1)(m) defines, "Public employer" as "any agency within state, county, or municipal government that employs individuals for a salary, wages, or other remuneration."

The Florida Statutes further define a "mandatory-testing" position, with respect to public employers, as follows: "a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to § 110.1127; or, a position in which a momentary lapse in attention could result in injury or death to another person." Florida Statutes § 440.102(1)(o). Likewise, Florida Statutes § 440.102(1)(p) defines a "special-risk" position as "a position that is required to be filled by a person who is certified under Chapter 633 (certification by the State Fire Marshall) or Chapter 943 (certification by the Department of Law Enforcement)."

Let us know if you want to further discuss.

Commented [A11]: This should be included on the Employment Application, e.g., "I understand that false, incomplete or misleading statements or omissions on this application or any other employment form, whether pre- or post-employment, may be considered sufficient cause for dismissal, if and when discovered."

Commented [A12]: Again, as this related to pre-employment matters, it need not be included in the Manual.

~~(a) Drug Manufacturer, Distribution and Use Policy~~

~~Substance abuse, which includes the possession, use or sale of illegal drugs or the unlawful use or misuse of lawful substances, including alcohol and prescription drugs, will not be tolerated. The District also prohibits the illicit use, possession, sale, attempted sale, purchase, attempted purchase, conveyance, distribution, cultivation or manufacture of illegal drugs, intoxicants, or controlled substances in any amount or in any manner. The District prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (other than prescription medications lawfully obtained and used in accordance with a physician's instructions) in and on the District's property. No employee shall report to work or be allowed to work, or be present on District property who is impaired by illegal drug use, prescription drug abuse, or alcohol, or the unlawful use of lawful substances, including alcohol and prescription medicines. Violation of this policy may result in disciplinary action, including, discharge from employment.~~

Any contract for employment by the District shall provide that compliance with the District's drug-free policy is a condition for continued employment. Any employee convicted of a drug-related crime occurring outside of the workplace shall notify the District's President of such conviction no later than five days following such conviction.

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~~(b) Drug Testing Policy~~

~~All drug testing conducted by the District shall be in conformity with the standards established in the Drug Free Workplace Act, Section 112.0455, Florida Statutes, as amended.~~

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~~(i) Types of Testing~~

~~Applicants and employees of the District may be required to submit to (A) job applicant drug testing, and the refusal to submit to a job applicant drug test or a positive confirmed drug test may be the basis for refusal to hire an applicant; (B) reasonable suspicion drug testing; (C) routine fitness for duty drug testing where such drug testing is conducted as part of a routinely scheduled employee fitness for duty medical examination pursuant to the District's established policy or is scheduled routinely for all members of an employment classification or group; and (D) if the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the District may require such employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.~~

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~~(ii) Actions Resulting from a Positive Confirmed Drug Test Result or Refusal to Submit to a Drug Test~~

~~The District may refuse to hire an applicant who refuses to submit to applicant drug testing or who has a positive confirmed drug test result. An employee who refuses to submit to a drug test may be subject to discharge or disciplinary action by the District. The District shall refer an employee with a first-time positive confirmed drug test result to an employee assistance program or an alcohol and drug rehabilitation program, unless such employee is discharged as provided in Section 112.0455(8)(n)3, Florida Statutes, as amended. If the results of a subsequent confirmed drug test are positive, the District may discharge or discipline such employee.~~

~~(iii) Confidentiality~~

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~~Except as otherwise provided in Section 112.0455(11), Florida Statutes, as amended, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential and exempt from the provisions of Section 119.07(1), Florida Statutes, as amended, and Section 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Section 112.0455, Florida Statutes, as amended.~~

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~~The District and its laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their respective agents may not release any information concerning drug test results obtained pursuant to Section 112.0455, Florida Statutes, as amended, without a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum (i) the name of the person who is authorized to obtain the information, (ii) the purpose of the disclosure; (iii) the precise information to be disclosed; (iv) the duration of the consent; and (v) the signature of the person authorizing release of the information.~~

~~Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to Section 112.0455, Florida Statutes, as amended, shall be inadmissible as evidence in any such criminal proceeding. Nothing herein shall be construed to prohibit the District, agent of the District, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to Section 112.0455, Florida Statutes, as amended, or where the information is relevant to its defense in a civil or administrative matter.~~

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Commented [A14]: This Policy is currently citing to the wrong Florida Statute (112.0455), as that Statute pertains to only actual employees of the State of Florida. The term "(e)mployer" for purposes of section 112.0455, Florida Statutes, is defined as "any agency within state government that employs individuals for salary, wages, or other remuneration." AGO 96-89. "Thus, the provisions of section 112.0455, Florida Statutes, are applicable to state agencies. A special district, created by the Legislature to provide specific services within a limited area or for a special purpose, is not generally considered to be a state agency unless legislatively designated as such." AGO 96-89. See also *Forbes Pioneer Boat Line v. Board of Commissioners*, 82 So. 346 (Fla. 1919); *Town of Palm Beach v. City of West Palm Beach*, 55 So. 2d 566 (Fla. 1951) (holding that officers of a special district are neither state nor county officers). Cf. *State v. Burns*, 21 So. 290 (Fla. 1896); *Jackson v. State*, 71 So. 332 (Fla. 1916) (state officer is one who exercises the sovereign powers of the state and whose powers and duties are coextensive with the state's boundaries); *In Re Advisory Opinion to Governor*, 1 So. 2d 636 (Fla. 1941).

That said, Florida Statutes sec. 440.101 and 102 would be applicable to the District. We understand that you are already receiving a discount on your workers' comp policy. That said, we can provide you with a separate, stand-alone policy that complies with the numerous requirements of section 440.102. For the Manual, however, we suggest including only the paragraphs on the prior page as the longer, more detailed policy should be a separate stand-alone document distributed to all employees and then to new employees at their time of hire.

VIII. CODE OF ETHICS

As an independent special District and subdivision of the State of Florida, the District has a responsibility to embrace the highest ethical standards. All officers and employees of the District must comply with all applicable provisions of Florida's Code of Ethics, Chapter 112, Part III, Florida Statutes. The District understands that certain acts or omissions that might be appropriate in a completely private sector environment would be inappropriate for the District and its employees. The District will promote an honest, ethical, and open structure within its organization. As a policy, the District asserts that ethics involve more than simply imposing limits on gifts and expenditures, although these impositions are an important aspect of any Code of Ethics.

Neither the District nor any of its employees will use the powers and resources of the District for any financial or personal benefit other than their salaried compensation and employer-provided benefits. Employees are expected to safeguard their ability to make objective, fair and impartial decisions, and therefore may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision, or to reward a past decision. Employees should avoid any conduct (whether in the context of business, financial or social relationships) which might undermine the trust placed in them, whether that conduct is unethical or lends itself to the appearance of ethical impropriety. The District values its good

reputation and asserts that the appearance of impropriety harms an organization as much as any unethical or improper act.

It is hereby declared to be the policy of the District that no employee of the District, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties to the District or in the public interest. To implement this policy there is established a code of ethics setting forth standards of conduct required of the District's employees in the performance of their official duties. The Code of Ethics includes all applicable provisions of Florida's Code of Ethics, Chapter 112, Part III, Florida Statutes, and further provides as follows:

(a) No employee of the District shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the employee of the District would be influenced thereby.

(b) No employee of the District acting in his or her official capacity as a purchasing agent shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the District from any business entity of which the employee or employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or the employee's spouse or child, or any combination of them, has a material interest; nor shall an employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the District.

(c) No employee of the District or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the employee was expected to participate in his or her official capacity.

(d) No employee of the District shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

(e) No employee of the District shall have or hold any employment or contractual relationship with any business entity or any agency which competes with, is subject to the regulation of, or is doing business with, the District; nor shall an employee of the District have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her duties or that would impede the full and faithful discharge of his or her duties to the District.

(f) A current or former employee of the District may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(g) No employee with the authority over hiring, promoting or advancing individuals within the District may hire, promote or advance a relative to a position within the same department of the District or to a position over which the employee exercises control. In no event may an employee with authority over the hiring, promoting or advancing individuals within the District advocate the hiring, promoting or advancing of a relative of the employee.

(h) No employee may solicit or accept an honorarium which is related to his or her employment. If for whatever reason such payment is made, the receiving employee shall promptly remit such payment to the District for deposit into its general fund.

(i) No employee may use District-provided internet access for obscene, political, or other improper purpose. Internet use is recorded and may be monitored.

~~(j) No employee may accept a retainer, commission, consulting fee, or any other fee arrangement or remuneration without full, written disclosure to the President **WHOM**.~~

~~(k) No employee shall initiate, either directly or indirectly (including members of an employee's immediate family), to borrow from, lend to, invest in, or engage in any substantial financial transaction with a customer, client or supplier of the District.~~

~~(l) No employee may use District facilities, equipment, labor, or supplies to conduct outside activity or secure a special privilege, benefit or exemption for themselves or another.~~

(~~j~~m) The conditions set forth in this Code of Ethics as well as the requirements of Chapter 112, Part III, Florida Statutes, must be strictly followed. Failure to comply with this Code may result in disciplinary actions, up to and including termination and the imposition of civil liability.

(~~k~~n) Any employee with a question about a specific instance or activity that would seem to be governed by this Code should direct such question to the President.

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(40) All District officers and specified employees must timely file all applicable ethics and financial disclosures required by Florida's Code of Ethics, Chapter 112, Part III, Florida Statutes.

IXVIII. WORK ATTIRE

The District has a flexible business attire policy. The policy provides for individual discretion and good judgment within the spirit of the guidelines listed below. Flexible business attire is very similar for men and women. Flexible business attire means that during business hours, attire should be clean, neat, conservative, and have a professional appearance. Flexible business attire is not sloppy, but allows us to work comfortably while encouraging diversity within the organization. Anything regarded as extreme or questionable should be avoided. The District makes reasonable accommodations for dress or grooming directly related to an employee's religion and/or disability.

The following are examples of appropriate and inappropriate business attire.

APPROPRIATE ATTIRE:

Traditional Suits/Shirt and Ties	Pantsuits
Polo Shirts with collars	Blouses
Oxford shirts without a tie	Sweaters/Cardigans
Blazers/Sport Jackets	Boating/Deck shoes
Casual Pants	Loafers
Casual Dresses/Skirts	Flat Shoes
	Chino's or Dockers type trousers

INAPPROPRIATE ATTIRE:

Athletic Attire	Shorts
T-Shirts or Collarless Shirts	Beach Shoes/Flip Flops
Midriff or cut-off shirts	Sweatshirts, sweat suits, jogging suits
Tube, Tank, Halter Tops	See-through blouses or shirts
Bib Overalls	Tights, leggings, or spandex clothing
Jumpsuits	Clothing with Tears, Patches, Holes
Denim Apparel	Jeans
Tennis Shoes	

The senior management in each unit has the authority to request employees wear corporate attire when they deem appropriate. Employees housed with other organizations are expected to dress in accordance with the policies of the host organization. Please remember that we are a professional organization and our image, including attire, is very important.

Employees who come to work dressed in a manner that is inconsistent with this Policy will be sent home to change and any time missed will be considered an unexcused absence. If you have any questions about flexible business attire, please contact your supervisor or Human Resources.

IX. NEPOTISM POLICY

The District defines “nepotism” as the practice of showing favoritism to one’s relatives. Nepotism may occur when an employee makes recommendations or decisions affecting, for example, hiring, promoting, evaluating, compensating, or terminating another employee to whom he or she is related by blood, marriage, or adoption. To prevent even the appearance of nepotism, the District ~~reserves the right to~~ may, with respect to the employment of spouses or other close relatives, ~~to~~ refuse to place (i) a spouse or other close relative under the direct supervision of the other spouse or a close relative where such supervision has the potential to create an adverse effect on supervision, safety, security or morale, or (ii) both spouses or close relatives in the same department, division, program or facility where such placement has the potential to create an adverse effect on supervision, safety, security, morale or involves a potential conflict of interest. No employee of the District shall vote, make recommendations, directly supervise, or participate in any way in decisions regarding any personnel matter that may affect the hiring, promoting, evaluating, compensating, terminating, or other employment status or interest of a close relative. If two employees of the District marry, cohabit or become related, the District may require one of the employees to transfer to a different department, division, program or facility or, where such transfer opportunities do not exist, to terminate employment with the District. For the purposes of this policy, a “close relative” shall be defined as an employee’s spouse, parent, child, or sibling.

XI. TELECOMMUTING

The term “telecommuting” refers to working at home or at other off-site locations that are linked electronically (i.e. by computer) to a central office. Telecommuting is not a right, but a privilege and may be approved at the discretion of an employee’s Supervisor upon written request from the employee and may be discontinued at any time. Telecommuting should benefit both the District and the employee. Any telecommuting agreement must be in writing.

XI. PROBATIONARY PERIOD

The first 90 days of employment for new employees of the District is considered a probationary period. The probationary period provides a new employee the

Commented [A15]: In accordance with Florida Statutes § 112.3135, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. In addition, an individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. As provided in Florida Statutes § 112.3135(b), (c) and (d), the following definitions apply for purposes of this Policy:

Collegial Body means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

Public Official means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

Relative, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Based upon the above, your current policy appears not to be restrictive enough. Let’s discuss.

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opportunity to become familiar with the District. During this time, a new employee's work hours, skills and general work performance will be evaluated.

Successful completion of the probationary period does not give rise to or create an employment contract for any period of time or a guarantee of continued employment.

Commented [A16]: In Florida, the single most important function of this policy is that a company who has and publishes such a policy and separates an employee during the first 90 days of employment will not be liable for the costs or charges associated with unemployment compensation.

XII. ABSENCES FROM WORK

Employees must appear fit to work each day and remain fit to work throughout the day. Employees must notify their supervisors immediately if, for any reason, they are not able to work safely.

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The District's normal business hours are {8am to 5pm_____}. Client needs and exigent circumstances may demand fluctuation of the District's business hours from time to time. Attendance and punctuality are important factors for an employee's success within the District. Employees are expected to report to work on time. Excessive absenteeism and tardiness will not be tolerated.

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All employees are required to provide notice of absence for illness, tardiness or other reasons, unless the absence is due to prescheduled leave, such as vacation leave. If an employee will be absent, the employee is required to contact [WHOM] [WHEN, BY WHAT TIME]. Employees are responsible for ensuring that proper notice is provided. Only under exceptional circumstances will notice from a family member or friend satisfy the notice requirement. Failure to provide notice of an absence, as described above, will result in an unexcused absence regardless of the reason. Unexcused absences will not be tolerated.

If an employee fails to provide proper notice of absence for two consecutive workdays, he will be deemed to have abandoned his job.

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(a) Paid Holidays

The following holidays shall be paid holidays observed by the District: (A) New Year's Day; (B) Birthday of Martin Luther King, Jr., third Monday in January; (C) Memorial Day; (D) Independence Day; (E) Labor Day; (F) Veterans' Day, November 11; (G) Thanksgiving Day; (H) Friday after Thanksgiving; and (I) Christmas Day. If any of these holidays fall on a Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays fall on Sunday, the following Monday shall be observed as a holiday. An exempt employee who works on a designated holiday in conjunction with a regular work schedule will be entitled to another day off with pay, which will be mutually agreed upon by the employee and his/her supervisor.

Commented [A17]: Consider adding either of these provisions, if applicable:

Regular full-time [and part-time] employees are eligible to take paid holidays [as of their first day of work]. [Regular part-time employees receive holiday pay in proportion to the number of hours they normally would be scheduled to work.]

Eligible employees will receive a regular day's pay for each holiday. Employees must be at work or be on paid approved leave the day before and the day after the holiday in order to be paid for the holiday.

(b) Personal Days

Each regular full-time employee is entitled to one personal holiday each year. Each regular part-time employee is entitled to a personal holiday each year which shall be calculated proportionately to the personal holiday allowed to a full-time employee. Personal days must be used in the calendar year in which they are awarded, may not carry-over to the following calendar year and are not payable at separation.

(c) Vacation Leave

Vacation leave is not an earned benefit, but time off with pay that is granted to an eligible employee for vacation or other personal reasons. Employees must accrue vacation leave before it can be used. Probationary employees do not accrue vacation time.

Commented [A18]: See new policy added above; is this a 90-day period?

Vacation leave is accrued as follows: 4.62 hours per pay period for employees with up to 5 years of continuous employment; and 6.15 hours per pay period for employees with 5 to 10 years of continuous employment; and 7.69 hours per pay period for employees with over 10 years of continuous employment. Time taken off without pay will not count toward the number of years of continuous employment. However, employees who are authorized by the District to take a leave of absence without pay will be considered to be continuously employed provided they return to work at the approved time.

An employee who is in an established position on a regular part-time schedule shall receive the appropriate prorated benefit.

Commented [A19]: What does this mean and can a regular part-time employee be in an un-established position?

Requests for vacation time must be approved in advance. Unused vacation will accrue up to a maximum of 240 hours at which time accruals will cease until such time as the employee's balance drops below 240. An employee with a minimum of one (1) year of satisfactory employment who terminates employment with the District shall be paid for all unused vacation leave up to a maximum of 240 hours. Payment will be made on the basis of the employee's pay ratesalary at the time of termination.

Commented [A20]: How are such requests made and to whom are they submitted?

(d) Sick Leave

Sick leave is ~~+~~ not an earned benefit, but time off with pay that is granted to an eligible employee for illness or injury. Employees must accrue sick leave before it can be used. Probationary employees do not accrue sick leave.

Sick leave is accrued at the rate of 3.12 hours per pay period for all regular full-time employees filling established positions. An employee who is in an established

Commented [A21]: Again, what does this mean?

position on a regular part-time schedule shall receive the appropriate prorated benefit.

Sick leave shall be authorized for the following purposes: (A) the employee's personal illness, injury or exposure to a contagious disease, ~~which would endanger others~~; (B) the employee's personal appointments with a doctor or dentist, or other recognized professional practitioner when it is not possible to arrange appointments for off-duty hours; and (C) the illness or injury of the employee's immediate family member. Payment will not be made for unused sick leave.

(e) Family and Medical Leave Act of 1993

It is the policy of the District to provide leave to employees in compliance with the federal Family and Medical Leave Act of 1993 ("FMLA").

Employees who are eligible for FMLA leave under this policy include only those employees: 1) who have worked for the District for at least twelve (12) months; and 2) who have worked at least 1,250 hours during the twelve (12) months before the leave is requested.

All employees who meet the applicable eligibility requirements will be granted up to twelve (12) total weeks of leave during the eligibility period for the following reasons:

- Birth of the employee's child and in order to care for that child within one year of birth;
- Placement of a child with the employee for adoption or foster care within one year of placement;
- Care for a spouse, child or parent who has a serious health condition;
- Care for the employee who has a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- Because of any qualifying exigency (an urgent situation as defined under CFR 825.126) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on (or has been notified of an impending call to) "covered active duty" in the Armed Forces (including the National Guard or Reserves). "Covered active duty" means duty during deployment of the member with the Armed Forces to a foreign country.

Commented [A22]: How does an employee prove that the time is being used for one of these ways and who is policing such use? For example, "Sick leave may be used for personal or family illness, medical appointments or the like. For these purposes, "family" is limited to spouses, domestic partners, children and stepchildren."

Commented [A23]: Does this refer to the end of the year and/or the end of employment? Is carry-over allowed?

Commented [A24]: I understand from our call that even though the District only has 38 employees, it offers leave under the FMLA to otherwise eligible employees. Since you are under 50 employee, we would recommend you make this simply a leave of absence policy so that there are no mandated job and benefit protections, e.g., returning the employee to the same or a similar position.

If you want to continue to offer leave under the FMLA, please know that this policy does not comply with the requirements of the Act. According to the Family and Medical Leave Act, 29 CFR 825.300(4), employers must publish certain information regarding the FMLA. To this end, employers may publish the actual Department of Labor's prototype notice (WHD Publication 1420 – DOL's "Employee Rights and Responsibilities") or they may use another format (e.g., Handbook policy) *so long as the information provided includes, at a minimum, all of the information contained in the FML Notice*. This Policy does not include all required information, and therefore, we suggest that you either update this policy to include all the information included in the requisite DOL Notice (let us know if you require assistance) or simply omit the language and the DOL's "Employee Rights and Responsibilities" (Form 1420) should accompany the handbook.

Let us know if you would like to further discuss the FMLA and implications of offering such a benefit.

All employees who meet the applicable eligibility requirements will be granted up to twenty-six (26) total weeks of leave during a single twelve (12) month period for the following reasons:

- To care for a spouse, or a son, daughter, or parent of the employee who is a member of the Armed Forces (including the National Guard or Reserves) and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that was incurred or aggravated by service in line of duty on active duty in the Armed Forces.
- To care for a spouse, or a son, daughter, or parent of the employee who is a **veteran** undergoing medical treatment, recuperation, or therapy for a serious injury or illness that was incurred or aggravated by service in line of duty on active duty in the Armed Forces (including the National Guard or Reserves), if the veteran was a member of the Armed Forces at any time during the period of five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.

During the single 12-month period an eligible employee shall be entitled to a combined total of 26 work weeks of leave for all purposes described above.

An employee who completes an FMLA leave will be returned to the same position held when the leave began or to a position equivalent in pay, benefits and other terms and conditions of employment. The District cannot guarantee that an employee will be returned to his or her exact same former job.

Commented [A25]: If you are complying with the FMLA, it must be the same or a comparable position.

Available paid leave will be applied toward FMLA leave. For example, an employee who requests a twelve (12) week leave and who is eligible for two (2) weeks of paid vacation will take two (2) weeks of vacation and ten (10) weeks of unpaid leave in accordance with this policy.

Commented [A26]: Recommend you add like/kind language to the appropriate leave policies; for example: *Any qualifying vacation leave will be charged against an employee's Family and Medical Leave or Leave for Victims of Domestic Violence or Sexual Violence entitlement.*

Employees who take an FMLA leave will not lose any previously accrued seniority or employment benefits (except for paid leave benefits used in connection with the family leave).

During an FMLA leave, the employee will be retained on the District's group insurance under the same conditions that applied before the leave began. To continue coverage during the leave, the employee must continue to make any normally required contributions. Failure of the employee to pay any required contributions during a leave may result in the loss of coverage. If an employee fails to return to work after the expiration of the leave, the employee may be required to reimburse the District for the District's costs of group insurance benefits for that employee during the leave.

The District may require an employee taking an FMLA leave to report to the District every thirty (30) days. An employee who requests an extension of FMLA leave must submit the request for an extension in writing, including the reason for the requested extension, and any applicable medical certification.

Employees should notify their supervisors of the intent to return to work at the earliest possible time prior to the expiration of the leave. In turn, upon such notification, the supervisor should notify the employee of the employee's next scheduled shift. Employees are expected to return to work on the first scheduled shift following a leave. Employees who return from FMLA leave are required to submit to a fitness for duty examination from the District's occupational health care provider verifying that the employee is able to resume regular job duties.

(f) Leave for Victims of Domestic Violence or Sexual Violence

In keeping with applicable Florida law, the District provides unpaid leave to eligible employees who are victims of domestic violence or sexual violence. An employee is eligible for such leave if: he has completed 3 months of employment with the District; the employee or a family or household member of an employee is the victim of domestic violence or sexual violence; and, the leave is sought for a specific reason related to domestic violence or sexual violence. An eligible employee may take up to 3 working days of leave within a "rolling" 12 month period, measured backwards from the date of any leave.

For purposes of this Policy, "family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

An employee should speak with **INDIVIDUAL RESPONSIBLE** as soon as he becomes aware that he may need to request leave under this Policy. The District will keep all information relating to an employee's request for such leave confidential. Except in cases of imminent danger to the health and safety of the employee or the employee's family or household member, an employee should provide advance notice of his need for leave. The District may require employees to provide appropriate documentation of the need for leave, e.g., court documents or a doctor's note.

When leave is taken, the District will first substitute for unpaid leave any accumulated paid leave (e.g., vacation leave, which will be charged against the

- Commented [A27]: This is the other policy we discussed on the call that is applicable to employers with 50 or more employees; please advise if you want to include this as similar to Family and Medical Leave. Note that leave need not be paid.
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employee's outstanding unpaid domestic violence or sexual violence leave entitlement.

(g) Bereavement

Employees of the District are granted up to five days of paid time off ~~with pay~~ for bereavement when they experience the death of an immediate family member that is out of state. Employees of the District are granted up to three days of paid time off for bereavement when they experience the death of an immediate family member within the State of Florida. All employees filling established positions are eligible for this benefit immediately upon hire. For purposes of this policy, immediate family members covered for this type of leave are: spouse and grandparents, parents, brothers, sisters, children, grandchildren, mother-in-law, and father-in-law of both the employee and his/her spouse.

Commented [A28]: Edits made in keeping with our telephone discussion.

~~Bereavement leave may be paid up to a maximum of three working days.~~ An employee who is on authorized leave at the time of the death of the family member will be granted bereavement leave and the authorized leave will be adjusted accordingly, up to a maximum of three working days. Employees will be eligible for holiday pay if the paid holiday falls during the period the employee is on bereavement leave, provided the employee otherwise meets the requirements to be paid for the holiday.

Commented [A29]: Do you want to increase this?

(gh) Jury Duty

The District will provide compensation to employees called to jury duty. All employees filling established positions are eligible for jury duty pay, ~~providing~~ provided they have properly notified their supervisors of their jury duty summons. Employees will be paid their normal ~~salary-wages~~ during the time they are performing this duty. Employees shall be allowed to retain any jury duty fees paid to them during the first week of duty. However, after the first week of service, the employee's salary will be reduced to offset any subsequent payments made to them as jury duty fees.

If an employee is released from jury duty and four or more hours remain in his or her normal work day, the employee is required to return to work that day.

XIII. WORKERS' COMPENSATION

All employees are covered by workers' compensation insurance for work-related injuries or occupational illnesses arising "out of and in the course of employment."

This program pays medical expenses and certain disability benefits due to a disability. Workers' compensation is regulated by the state, and the benefits are set by law.

Some important facts about your workers' compensation coverage:

- a. It is provided at not cost to you.
- b. It will pay for all reasonable, approved and necessary medical care if you get injured at work or develop an occupational disease arising out of and in the course of your employment.
- c. You are covered from your first day of work on the job.
- d. If you are injured on the job, you may be required to take a drug and/or alcohol test. If you test positive for alcohol or illegal drugs at the time of the injury, you may not be entitled to workers' compensation benefits, and you may be terminated from employment.
- e. Filing a false workers' compensation claim is against the law, and could result in a fine and/or imprisonment. The District intends to investigate and prosecute all false claims.
- f. You are expected to return to work at your normal job, or a temporary, light-duty job, if one is available, as approved by your physician. If you refuse to work, you may lose certain workers' compensation benefits.
- g. While you are off work for a work-related injury or illness, you are prohibited from working for another employer or person. Working for another employer or person while you are off work for a work-related injury or illness is considered misconduct and is grounds for termination.
- h. The primary reason to prevent work-related injuries or illnesses is to prevent the personal suffering that you or your family may endure. In addition, the fewer the number of accidents/injuries means that the cost of workers' compensation insurance will be less, which will benefit all parties: yourself and the District. So, prevention of accidents benefits everyone.

Reporting Injuries

If you receive a work-related injury, you should follow the following procedures depending upon the severity of the injury.

Life Threatening Injuries

For all life-threatening medical emergencies, immediately call 911 to be taken to the nearest medical facility.

Injuries Requiring Medical Attention

For all injuries requiring medical attention, you must ~~first~~ immediately report the injury to your supervisor ~~or~~ and Human Resources (except in the case of an emergency), seek medical attention as directed, and follow the medical treatment plan as described by the health care provider that is authorized by workers' compensation.

An insurance company's medical case manager may contact you to assist in your medical treatment, referrals, and return to work plans.

Minor Injuries

For all minor injuries, immediately report to your supervisor and Human Resources to document the injury. Receive necessary first aid at the worksite. ~~Generally, first aid injuries that do not require medical attention are not reported to the insurer.~~

Commented [A30]: We suggest that you not prohibit an employee, in any way, from reporting any injury because a minor injury can turn into a major injury.

Workers' Compensation ~~Disability~~ Leave

~~If warranted, t~~The District will grant you ~~a~~ workers' compensation ~~disability~~ leave in accordance with state law if you incur an occupational illness or injury. As an alternative, the District may offer you modified work or light duty, if such work is available and you are qualified. Any qualifying workers' compensation leave will be charged against an employee's Family and Medical Leave entitlement. Leave taken under the workers' compensation disability policy runs concurrently with family and medical leave under both federal and state law.

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Notice and Certification Requirements

You must report all accidents, injuries, and illnesses, no matter how minor, to your immediate ~~Supervisor and Human Resources~~. You must also provide the District with a health care provider's statement certifying your work-related illness or injury, your inability to work, and the expected duration of your leave.

Commented [A31]: Edited above paragraph to conform with this reporting requirement.

~~Compensation During Leave~~

~~Workers' compensation disability leaves are without pay. Disability payments will be coordinated with any state disability, workers' compensation, or other wage~~

Commented [A32]: This is not correct as workers' compensation will pay the employee for a portion of wages while out on leave. No need to include information in the Manual as it is governed by applicable state law.

~~reimbursement benefits for which you may be eligible. At no time will you receive a greater total payment than your regular compensation.~~

Benefits During Leave

~~If you are eligible for family and medical leave under the federal or state family and medical leave laws, the District will maintain, for up to a maximum of 12 work weeks, any group health insurance coverage that you were provided before the leave on the same terms as if you had continued to work. In some instances, the District may recover premiums it paid to maintain health coverage if you do not return to work following your workers' compensation disability leave. If you are not eligible for family and medical leave, you will receive continued coverage on the same basis as employees taking other leaves.~~

XIV. PAY PRACTICES AND PERSONNEL FILES

(a) Classification of Employees

(i) Probationary: An employee in his first 90 days of employment.

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(ii) Regular Full-Time Employees are those employees who are regularly scheduled to work eight (8) hours per day and forty (40) hours per week, excluding a daily unpaid one-hour meal period and who are not on probationary status.

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(iii) Regular Part-Time Employees are those employees who are regularly scheduled to work fewer than eight (8) hours per day and forty (40) hours per week and who are not on probationary status. Regular part-time employees may be eligible for certain benefits, but only as specifically provided for in this Manual or under applicable law.

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(iiii) Temporary Employees are those employees who are hired to work for a specific, limited period of time, or for a specific, limited purpose, either on a full-time or part-time basis, but are not considered "regular" employees. Temporary employees are not eligible for benefits, unless specifically provided for in this Manual or under applicable law.

Employees are also categorized as either Non-Exempt or Exempt for purposes of the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA").

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(i*) Exempt Employees are those employees who are exempt from the minimum wage and overtime provisions of the FLSA and paid on a salary basis applicable federal and/or state law.

(ii*) Non-Exempt Employees are those employees who are subject to the minimum wage and overtime provisions of the FLSA. Non-exempt employees are compensated based upon the number of hours worked each workweek applicable federal and/or state law.

(b) Work Hours

While work hours generally fall within the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, the requirements for work hours and work days will vary from position to position according to the needs of the District. Employees are encouraged to discuss the requirements of their positions with their supervisor.

Hourly, non-exempt employees receive two paid ten-minute rest breaks per workday and one unpaid one-hour meal break for any work shift that lasts longer than five hours. Supervisors will schedule rest breaks and meal breaks and must approve any deviation from the break schedule in advance.

Non-exempt employees are entitled to overtime pay, in accordance with state and federal wage and hour regulations, for overtime work. Overtime is set by state and federal law, but is generally any time worked over forty (40) hours per work week. Paid time off will not be counted in computing overtime pay. Supervisors must approve all overtime work before it is performed. Exempt employees are not entitled to overtime pay.

Commented [A33]: There is no state law in Florida.

(c) Pay Period

The District shall operate on a standard bi-weekly pay period. The pay period shall begin at midnight between Sunday and Monday and end at the same time one week later. Earnings statements will be distributed on Thursday of the week following the end of the pay period. Pay will be disbursed on Friday following the end of the pay period.

Commented [A34]: While the office may only be open 5 days a week, the Company's "workweek" must be a fixed and regularly recurring period of 168 hours -- 7 consecutive 24-hour periods." In pertinent part, 29 CFR § 778.105, provides, "An employee's workweek is a fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day." Please fill-in the appropriate information.

The District encourages all employees to use direct deposit as the method of receiving their pay.

Employees must verify that their paychecks are correct every payday; any problems should be directed immediately to the [WHOM] for resolution. Periodically, employees should also verify that the personal information on their

Commented [A35]: This is a Safe Harbor Statement. Under the Safe Harbor Provision of the FLSA, an exemption will not be lost for improper deductions if the employer: has a clearly communicated policy prohibiting improper deductions and including a complaint mechanism; and, reimburses employees for any improper deductions; and, makes a good faith commitment to comply in the future.

paychecks is correct. Any changes must be immediately communicated to the [WHOM] so that the proper information can be forwarded to payroll.

(d) Time Records

An accurate record of all hours worked as well as a complete and accurate record of all authorized leave must be maintained by each employee on a form and in the manner prescribed by the Human Resources Department. At the end of the pay period, the employee should have the time form signed by the supervisor and forwarded to the Human Resources Department.

(e) Dual Employment

The District expects that its employees will have a high level of loyalty and commitment to their careers at the District. Accordingly, the District discourages outside or other employment on the part of its employees. Such employment is considered dual employment and includes services rendered to any employer other than the District, including self-employment, for which the employee receives compensation, income, gifts, or other employment privileges, advantages, or benefits.

Requests for dual employment must be made in writing and must be approved by the President. Such requests may be approved if the dual employment does not interfere with the ability and availability of the employee to perform the duties of his or her job with the District and/or violate any District policy, e.g., Code of Ethics. The other employment may not involve a conflict of interest and may not involve the use of District facilities, personnel, time, equipment, supplies or any other asset of the District.

(f) Performance Appraisals

The performance appraisal process is designed to appraise the job skills deemed critical to the successful performance of the employee. It reaffirms and defines assigned job responsibilities, and sets objectives that assist and compliment the efforts of the District in accomplishing its mission. The process emphasizes communication, fosters the team concept, and allows the employee to provide input in the assessment of his/her performance (major accomplishments), in the work to be performed, and in the setting of objectives. Performance appraisals are conducted at before the end of the 90 day probationary period and annually thereafter. A supervisor may, however, review an employee's performance at any time deemed appropriate.

(g) Employee Termination

Commented [A36]: Due to the increase in FLSA litigation, employers must closely monitor employee timekeeping to ensure that all "work time" is properly recorded, and therefore, we have made certain additions to the policy. That said, please know that maintaining accurate time records is essential under the FLSA and the maintaining of contemporaneous and accurate records of employees' time can provide a defense to a claim of uncompensated working time or overtime. However, it is the employer's burden to ensure accurate time records are maintained. To this end, we recommend that employees initial all changes and sign-off on completed time records and that employers do all they can to ensure ACCURATE time records are maintained, e.g., entries should not be identical every day and they should not regularly read 9 to 5, 9 to 5, 9 to 5, etc., unless that time is actually accurate.

Based upon the above, we suggest that you adopt a more detailed Timekeeping Policy; for example:

Timekeeping

Employees will be compensated for all time worked. **[Biweekly/Weekly]** time records must be maintained by all employees. Employees must record all hours worked on their **[timecards/timesheets]**. Employees must sign their **[timecards/timesheets]** and verify that the hours are accurate; employees must also initial all changes or corrections to their **[timecards/timesheets]**.

[Timecards/timesheets] must be completed on a daily basis. Each employee is responsible for correctly recording and properly submitting his hours of work on his **[timecards/timesheets]**. **[Timecards/timesheets]** must be submitted to **[WHOM]** on **[WHEN]**. Employees are not permitted to record another employee's time or let another employee record their time.

Employees must accurately record all time worked, both during work hours and before or after work hours, e.g., speaking to **[clients/customers]**, communicating with other co-workers on work-related matters, checking e-mails or using electronic devices to work remotely.

Working off the clock is strictly prohibited. If you are requested to work off the clock, you should report that request to **[WHOM]**, immediately. Employees should consult their supervisors for additional information on timesheet completion.

Commented [A37]: Ensure that all probationary employees are evaluated before the expiration of the 90-day probationary period in order to take advantage of the benefit described earlier on in the Manual.

Employment with the District is at-will and as such may be terminated by either the employee or the District at any time. Upon termination, all loans and unused travel advances must be reconciled with the District by the employee, and all District property must be returned.

(h) Personnel Records

Commented [A38]: We can make move this to its own section or move the policy to a different section, if you wish.

Employees must keep their personnel records up to date. District employees should notify [DEPARTMENT OR INDIVIDUAL] immediately if there is a change in status, including but not limited to the following:

- Name or social security number
- Home address or telephone number
- Cellular or Mobile telephone number
- E-mail Address
- Marital status
- Number of dependents
- Beneficiary(ies)
- Emergency contact information
- Driver's license status
- Additional education and training

Employees are required to report any situation or incident that may affect their employment with the District, including but not limited to any criminal charges, whether occurring on or off duty, to [WHOM] as soon as possible, and in any case no more than 3 days of the event.

All personnel records are the property of the District.

The District is subject to Florida's Public Records Law, Chapter 119 of the Florida Statutes. As such, unless otherwise mandated by statute, regulation or law, employees are prohibited from destroying, selling or disposing of any District record. Employees should refer any questions regarding public records to [WHOM].

(i) Records Management

All requests for public records or related information should be directed to the Manager of Records Management. Any questions regarding computer technologies, as well as the handling of all paper documents, including their retention, storage and destruction, should be directed to the Manager of Records Management.

XV. WEAPONS IN THE WORKPLACE

Possession of any firearm or other device that may be described as a lethal weapon is strictly prohibited, unless permitted by law. ~~Employees who violate this policy may be subject to disciplinary action, up to and including termination.~~

Commented [A39]: Under Florida law, employees must be permitted to store their weapons in their vehicles in the parking lot. Specifically, the Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008 prohibits employers in Florida from prohibiting an employee from possessing any legally owned firearm that is locked inside a private vehicle in the employer parking lot. In relevant part, Florida Statutes §790.251, provides, "that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity."

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XVI. EMPLOYEE SEARCH AND THEFT POLICY

~~The District will from time to time conduct internal investigations including inspections, searches and audits on District premises.~~

~~The District may conduct a routine inspection, search or audit at any time for District property or District-related information. The District may inspect the following items, including, but not limited to: personal property brought onto or taken from the premises; any work, rest or storage areas; and, all District vehicles, desks, cabinets, lockers, computers, satchels, etc., that are within the employee's possession or control.~~

~~A routine search or inspection may result in the discovery of personal possessions or those of others. Employees are discouraged from bringing into the workplace items of personal property they do not want revealed to management. Generally, the District will attempt to obtain employee consent before conducting a search or inspection, but may not always be able to do so.~~

~~If an employee becomes aware of any theft, misuse or unauthorized removal of Organization property, he is directed to notify [WHOM] immediately.~~

~~The District reserves the right to conduct an investigation of missing property or other suspected rule or policy violations. When that occurs, it may become necessary to conduct a search of an employee's working area. It must be understood that offices, desks, and file cabinets that are the property of the District are subject to search by the District at any time.~~

XVII. SMOKING POLICY

~~In keeping with applicable Florida law, sSmoking is not allowed in any indoor area of any building owned or used by the District. Additionally, No-smoking is not permitted will be allowed in any area that would create a recognized hazard under the Occupational Safety and Health Act, or where, in management's judgment, smoking would be unsafe. No smoking will be allowed in any common area which is expected to be used by the public, or in any public areas where groups frequently gather. This includes reception areas, conference or training rooms, rest rooms, and similar places. For purposes of this policy, smoking includes but is not limited to, lighting, smoking or carrying a lighted cigarette, cigar or pipe and the use of any electronic smoking device. Employees who smoke must observe the same guidelines as non-smokers for the frequency and length of break periods. Excessive smoke breaks, as determined by the District, will be grounds for discipline.~~

XVIII. CELL PHONE USE/SEATBELT POLICY

~~(a) Purpose~~

~~The purpose of this policy is to promote a safe and productive work environment.~~

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~~Cellular Phones~~ This policy applies to both incoming and outgoing cellular calls in the office and when operating a vehicle while conducting business on behalf of the District.

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~~(b) Office~~

Cell phones shall be turned off or set to silent or vibrate mode while in the office. Employees may carry and use personal cell phones while at work on a sporadic basis. If an employee's use of a personal cell phone causes disruptions or loss in productivity, as determined by the District, the employee may be asked not to use their his phone during business hours ~~and/or subject to discipline.~~

Commented [A41]: Are any employees required to use cell phones for business while in the office?

Commented [A42]: What does this mean; consider better defining. Are they only allowed for emergencies or occasional use?

~~(c) When Using your Personal Vehicle for Work Related Purposes Driving~~

Employees whose job responsibilities include regular or occasional driving are ~~expected~~ required to refrain from using their phones while driving – use of a cell phone or PDA to talk or text while driving is not ~~required~~ permitted by the District. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to safely stop the vehicle before placing or accepting a call, texting or using hands-free operations.

When operating a vehicle for work related purposes you MUST wear your seatbelt at all times.

~~Failure to follow this policy may result in disciplinary action up to and including termination.~~

XIX. ELECTRONIC COMMUNICATIONS

All electronic and telephonic communication systems ("Systems") and all communications and information transmitted by, received from, or stored in those Systems are the property of the District and may not be deleted, removed, or otherwise disposed of except with express permission of the District consistent with the employee's job duties and responsibilities. All pass codes or encryption keys are the property of the District. The District ~~retains the right to~~ may monitor all of its

electronic and communication systems at its discretion, including, but not limited to, listening to, recording or transcribing, copying, or otherwise storing in a separate location all voicemail, e-mail messages, data and program files, and so forth. Only software that is authorized by the District may be used, copied or installed on District devices. Employees may not connect, hook up or link personal electronic devices, e.g., laptops, tablets, smartphones and electronic music players, to District devices. Employees may also not insert and/or attach personal electronic storage media, e.g., external hard drives, flash drives and memory cards, to any drive on a District device. All data contained on the District's devices belongs to the District and may not be altered without specific written authorization from [WHOM]. No data stored on the District's devices may be released to any person or outside organization.

Employees using any of the District's provided Systems for personal purposes do so at their own risk of loss and expressly consent to the District monitoring, recording, and transcription of all such personal use; the confidentiality of any electronic message should not be assumed. All messages composed, sent or received on the District's devices are and remain the property of the District; they are not the private property of any employee. Personal use of the District's provided equipment, including Systems, shall be limited to use that is incidental to the District's business usage, that is personal to the employee, that is during non-working time, and that occurs on an irregular and infrequent basis. Employees are prohibited from using the District's Systems for any commercial activity unrelated to the District's business or unrelated to the employee's compensation and benefits provided by the District (i.e., the Systems should not be used for personal gain, advancement of individual views, or solicitation of non-company business). Use of the Systems must not disrupt the operations of the District and or interfere with your productivity.

Employees are not permitted to use a pass code, to use an encryption key, to access a file, or to retrieve any stored communication unless authorized to do so, or unless they have received prior clearance from an authorized representative. Employees are not permitted to use a pass code that has not been issued to that employee or that is unknown to the District. Employees are not permitted to use an encryption key or program that has not been provided by the District or that has not been provided to the District prior to use. Further, employees are not permitted, without proper authorization, to provide other employees or individuals access to a pass code or encryption key. ~~Employees who violate this policy are subject to disciplinary action up to and including termination.~~

Employees who access the District's Network or electronic files from remote locations are governed by the terms of this Policy and may not download the District's electronic files to their own personal devices or other remote locations. Employees who are authorized to work on the District business either from home or

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remote locations must virus check any CD's, external drives or other media storage devices before using them on the District's devices and/or Network.

In addition to the foregoing prohibitions, employees are prohibited from engaging in the inappropriate use of all Systems. Inappropriate use may result in loss of access privileges and disciplinary action up to and including termination. Inappropriate use includes, but is not limited to:

- Unauthorized access of another employee's e-mail or voicemail account or any other account maintained on the Systems as well as unauthorized access to data stored on any electronic or telephonic system. This would include any attempt to obtain unauthorized access.
- Any effort to inhibit authorized access to data, mail, or programs stored on electronic or telephonic systems.
- Any effort to prevent the District's monitoring of an electronic telephonic system.
- Transmission of obscene, offensive, or harassing messages to any other individual, including, but not limited to hate mail, obscenity, ethnic slurs, racial comments, off-color jokes, antisocial behavior, in violation of any state or federal law.
- Use of the electronic and/or telephonic communication system to violate any other policy of the District.
- Any illegal, unethical, or other activity that could adversely affect the District, including the District's reputation or image.
- Accessing sexually oriented Internet sites or the receipt, storage, or transmission of sexually oriented material.
- Unauthorized downloading of software.
- Unauthorized copies of copyrighted materials whether created, distributed, or knowingly utilized.
- Posting inaccurate, inappropriate, and unlawful business information.
- Unauthorized attempts to break into any computer whether it belongs to the District or another organization.
- Copying, sending, or posting confidential materials of the District or its constituents.
- Sending chain letters.

As a condition of employment and continued employment, employees are required to sign a form acknowledging review and acceptance of this policy. Applicants are required to sign this form on acceptance of any offer of employment by the District.

Commented [A43]: Is this occurring?

XX. BENEFITS

Each employee will receive information during orientation regarding the benefits available as an employee of the District. For details regarding eligibility, policy

coverage and administrative procedures for benefits, employees should contact the Human Resources Department.

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The District, in its sole discretion, may change or eliminate any and all benefits and/or contribution requirements at any time. Employees will be notified of any changes that affect their benefits. Such notification may include, without limitation, (i) a written announcement from the Human Resources Department, (ii) the posting of a notice at an appropriate location, or (iii) verbal announcement of changes at employee meetings or other appropriate venues.

The following summary descriptions of the District's employee benefits are included for illustration purposes only and are not meant to give the specific details of the benefit plans. Nothing in this Manual shall grant any broader benefits than those provided for in the benefit plans offered by the District. If there is any inconsistency between the terms of this Manual and any benefit plan offered by the District, the terms of the benefit plan shall apply. The District and its designated benefit-plan administrators ~~reserve the right to may~~ determine eligibility, interpretation and administration issues as to all benefits provided by the District. Employees are directed to read their policy and plan documents for detailed information.

Employees should refer questions regarding the District's benefit plans to [INDIVIDUAL RESPONSIBLE FOR BENEFITS] or refer to the District's plan documents or summary plan descriptions.

(a) Specific Benefits

Your paycheck is important but it does not represent all of the compensation you receive from the District. Not only do you receive your wages each payday, you also receive a substantial number of employee benefits that, while not paid in cash, still represent real dollars to you and your family. These benefits include paid vacations, paid holidays, and various types of insurance. ~~Details of these programs are outlined in this Manual.~~ The following benefits programs are available to eligible District employees:

Commented [A44]: They really aren't detailed and in keeping with above, they should refer to plan documents for details.

- | | |
|----------------------|------------------------------|
| Bereavement Leave | 457(b) Deferred Compensation |
| Holidays | Administrative Leave |
| Vacation | Sick Leave Benefits |
| Medical Insurance | Employee Assistance Program |
| Dental Insurance | SEP Retirement Plan |
| Family Medical Leave | Life Insurance, LTD, AD&D |

Eligibility requirements vary, employee should refer to [WHOM] for all eligibility requirements. Employees should also understand that certain ~~Some~~ benefit programs require contributions from the employee.

(b) Health Insurance

The District's regular full-time employees are eligible for health insurance benefits beginning the first day of the first full month following the day of hire. Regular part-time employees may be eligible for medical coverage in keeping with applicable state law. The District currently contributes up to 100% of the premium for each employee. If you wish to have dependent coverage, the District currently contributes approximately 75% towards the premium. Please note that these contribution levels are subject to change based on annual premium increases. Employee premium balances will be deducted from your paycheck.

~~You~~ Employees will receive a booklet and benefits summary that will explain the benefits ~~you~~ they receive under our insurance plans. All the benefits are set forth in the insurance booklet, and we suggest that you review it thoroughly so that you can understand the type and amount of benefit to which you are entitled. Contact Human Resources with any questions regarding your benefits.

Acknowledgment Form

This Manual describes important information about this organization, and I understand that I should consult with the President or the Human Resources Department regarding any questions not answered in the Manual.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to this Manual may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the President or designee of the organization has the ability to adopt any revisions to the policies in this Manual.

I have entered into my employment relationship with the District voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the District or I can terminate the relationship at will, with or without cause, at any time. I also understand that I am expected to follow the policies and procedures outlined in this Manual and that any violation of these or any other District policy, practice or procedure will subject me to disciplinary action, up to and including separation.

Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document. I have received this Manual, and I understand that it is my responsibility to read and comply with the policies contained in this Manual and any revisions made to it.

If I have any questions regarding the content or interpretation of this Manual, I will bring them to the immediate attention of **WHOM**.

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EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME
